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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,911	12/10/2003	Bruce J. Cardinal	ETWSP002	6813
21912	7590	01/31/2005	EXAMINER	
VAN PELT & YI LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			BAHTA, KIDEST	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/732,911

Applicant(s)

CARDINAL ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/17/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 7-20, 23-29 and 34-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver (U.S. Patent 5,870,302).

Regarding claims 1 and 59-60, Oliver discloses that receiving landscape and environmental information and deriving an individual station (Fig. 10, Zone A, Zone B and Zone C, i.e., which include site location; column 9, lines 60-67, i.e., each irrigation site 9 or a single watering factor may be *computed for each irrigation site*) irrigation schedule based on the landscape information and the environmental information; and sending the individual station irrigation schedule to an irrigation control unit (Abstract, Fig. 6).

Regarding claims 4, 7-20, 23-29 and 34-58, Oliver discloses the environmental information includes evapotranspiration (ET) information (abstract); the environmental information includes weather information (column 5, lines 56-65); the irrigation schedule includes a restriction on the amount of water used (column 6, lines 25-30); the irrigation schedule includes balancing usage with other sites (column 14, line 52); the irrigation schedule includes accounting for needs of the most demanding plant (column 8, lines 20-28); deriving the irrigation schedule includes selecting an algorithm used for deriving the irrigation schedule from a plurality of algorithms (column 17 and column 18);

Art Unit: 2125

sending the irrigation schedule to an irrigation control unit is initiated by the irrigation control unit (column 1, lines 15-18); sending the irrigation schedule to an irrigation control unit is initiated by the irrigation control unit and the irrigation control unit uses a pull model to request the irrigation schedule (Fig. 10); in the event that sending the irrigation schedule fails, further comprising providing an alert (column 9, lines 60-67); performing irrigation using stored irrigation schedule on the irrigation control unit (column 10, lines 22-25); uploading meter data from the irrigation control unit to a central control (column 8, lines 30-37), the landscape information includes irrigation method (column 1, lines 15-20), precipitation rate (column 3, lines 10-15), distribution uniformity (column 14, lines 9-10); root depth of plant (column 5, line 45), and number of emitters per plant and flow rate of emitter (column 9, lines 66-65), sun exposure information (Fig. 4); plant coefficient by month (column 8, line 65-column 9, line 4); the irrigation schedule is optimized for one or more stations (column 4, lines 5-8; column 15, line 35); multiple stations operating simultaneously (Fig. 6); the irrigation schedule is derived using station flow rates and maximum allowable system flow (column 15, lines 16-19) and automatically adjusted for rainfall (column 2, lines 50-53); deriving the irrigation schedule includes minimizing runoff (column 1, lines 55); the irrigation schedule includes hourly restrictions (column 7, lines 20-21); the irrigation schedule includes non-watering days (column 7, lines 8-15); deriving the irrigation schedule includes accounting for the priority of stations (column 11, lines 51-61); landscape information includes seasonality of plants (column 5, lines 45); the irrigation schedule is derived using station flow rates provided by a flow sensor (column 8, lines 30-32); the

irrigation schedule is optimized to fit within a user-defined water window (column 1, lines 39-55); the irrigation schedule includes individual station schedules derived using a plurality of algorithms and selecting an algorithm based on an irrigation method and geographic location (column 7, lines 16-30, column 17-18).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5-6, 21-22 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver (U.S. Patent 5,870,302) in view of Peek et al. (U. S. Patent 6,675,098).

Regarding claims 2-3, 5-6, 20-21 and 30-33, Oliver discloses the limitations of claim 1 as stated in Par. 2, however Oliver fails to disclose the limitations of claims 2-3, 5-6, 20-21 and 30-33, which is the irrigation schedule is sent to the irrigation control unit via network and Internet. In addition the information of the irrigation is view via Web interface. Peak discloses the irrigation schedule is sent to the irrigation control unit via network and Internet (Fig. 14, Fig. 16 and Fig. 17) and in addition, the information of the irrigation is view via Web (Fig. 14, element 388, i.e., server system).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Oliver with the teachings Peek in order to provide the easy and fast communication.

***Response to Arguments***

5. Applicant's arguments filed December 15, 2004 have been fully considered but they are not persuasive.

Regarding claims 1 and 59-60, applicant argues that Oliver does not disclose *individual station*. Examiner disagrees because Oliver discloses that (column 9, lines 60-67, i.e., each irrigation site 9 or a single watering factor may be *computed for each irrigation site*).

Regarding claim 17, applicant argues that Oliver does not disclose *the irrigation schedule includes balancing usage with other sites*. Examiner disagrees because Oliver discloses that (Fig. 11, step 110 and 117, i.e., read water balance data and normalize adjustment factor).

Regarding claim 18, applicant argues that Oliver does not disclose the irrigation schedule includes providing *biasing information*. Examiner disagrees because Oliver discloses that (column 3, lines 61-66, i.e.; ...in geographical area ...the data requirements to determine the watering schedule).

Regarding claim 28, applicant argues that Oliver does not disclose analysis of water usage to a water agency. Examiner disagrees because Oliver discloses that (column 9, line 60 – column 10, line 3; i.e., host computer request historical watering information, sensor data, any operational status from the site computer 1, this

Art Unit: 2125


information is then used to verify and check the operational status of the site computer, determine any site abnormalities; column 11, line 62-column 12, line 26).

Regarding claim 50, applicant argues that Oliver does not disclose irrigation schedule includes *accounting for the priority of stations*. Examiner disagrees because Oliver discloses that (column 11, lines 30-61, i.e., ...the watering factor received from the host computer prior to modifying the factor received from the host computer prior to modifying the reference watering schedule).

### ***Conclusion***

6. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kideest Bahta, whose telephone number is (571) 272-3737. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (571) 272-3749. Additionally, the fax phone for Art Unit 2125 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

**Kideest Bahta**

  
January 27, 2005